

IOWA RACING AND GAMING COMMISSION MINUTES APRIL 14-15, 2010

On Wednesday, April 14, 2010, Greg Seyfer, Chair; Toni Urban, Vice Chair; and members Andrea Harrison and Paul Hayes, along with Commission staff, left Stoney Creek Inn, Johnston, Iowa via motor coach to travel to Council Bluffs, Iowa, where they were joined by Kate Cutler. They then traveled to Larchwood, Iowa to view the site for the proposed Lyon County Resort and Casino. The motor coach returned to Council Bluffs at 6:00 PM that evening. Racing and gaming matters may have been discussed, but no official action was taken.

The Iowa Racing & Gaming Commission (IRGC) met on Thursday, April 15, 2010 at Ameristar Casino, Council Bluffs, Iowa. Commission members present were Greg Seyfer, Chair; Toni Urban, Vice Chair; and members Kate Cutler, Andrea Harrison and Paul Hayes.

Chair Seyfer called the meeting to order at 8:30 AM and requested a motion to approve the agenda. Commissioner Urban moved to approve the agenda as submitted. Commissioner Cutler seconded the motion, which carried unanimously.

Chair Seyfer called on Mayor Tom Hanafan, who welcomed the Commission to Council Bluffs. Mayor Hanafan noted that gaming has not only made a big difference in Council Bluffs from 1984 to 2010, but also the State of Iowa. Mayor Hanafan stated that Ameristar and Harrah's are good corporate citizens, the employees, hotels and restaurants have also contributed to the growth in Council Bluffs. He advised that the non-profit organization, Iowa West Racing Association (IWRA), has made a huge contribution to Council Bluffs, southwest Iowa, and Nebraska. Mayor Hanafan stated that gaming has provided many great opportunities for Council Bluffs. He thanked the Commission for a job well done.

Chair Seyfer moved to the approval of the minutes, noting there had been some minor clerical revisions. Commissioner Urban moved to approve the minutes as revised. Commissioner Cutler seconded the motion, which carried unanimously.

Chair Seyfer called on Jack Ketterer, Administrator of IRGC, for announcements. Mr. Ketterer provided the following information regarding upcoming Commission meetings:

- May 4, 2010 6 Public Hearing 6 New License Applications, Stoney Creek Inn, Johnston, IA
- May 13, 2010 6 Commission Meeting (START TIME: 10:00 AM)

- June 3, 2010 6 Stoney Creek Inn, Johnston, IA (Submissions due by May 20, 2010)

The May 4 meeting will be the public hearing on the new applications for licenses, as well as an opportunity for the Commission members to question all of the applicants. On May 13th, the Commission will be convening at 10:00 AM to make their decision regarding the applications for licenses. Both meetings will be held at Stoney Creek Inn in Johnston, Iowa.

Mr. Ketterer provided the following proposed meeting dates for Fiscal Year 2011:

July 29, 2010	Stoney Creek Inn, Johnston
August 26, 2010	Riverside Casino & Golf Resort
October 7, 2010	Dubuque
November 10, 2010*	Stoney Creek Inn, Johnston
January 13, 2011	Stoney Creek Inn, Johnston
March 3, 2011	Stoney Creek Inn, Johnston
April 14, 2011	Harrah's, Council Bluffs
June 9, 2011	Stoney Creek Inn, Johnston

He advised that the dates would be available on the Commission's website. Mr. Ketterer noted that the July meeting would be held late in the month due to conflicts with schedules, and that the November meeting would be held on a Wednesday due to Veterans Day.

Chair Seyfer moved to Rules submitted under Notice of Intended Action. Brian Ohorilko, Director of Gaming, advised that the proposed rules before the Commission were brought forth from the Commission's Rules Review Committee. He noted that a majority of the rules provide for input and clarification of existing rules, and allow for new slot machine technology. Mr. Ohorilko stated that the committee worked with the Iowa Gaming Association on many of the rules. He provided the following synopsis:

Item 1 provides for clarification of existing rules stating that firearms are not permitted unless a waiver is granted from the Administrator.

Item 2 discusses the need for a Standard Operating Procedure (SOP) addressing surveillance maintenance, emergency plans and surveillance systems capabilities.

Items 3 removes implements of gambling such as cards and dice as something where written notice is required. This item ties into No. 13, which addresses game control and procedures for storage, removal and recording implements of gambling.

Item 4 allows for a piece of technology regarding system bonusing and eligibility for deductions paid.

Items 5, 6 and 7 are keno rules, bringing the Commission's rules in line with industry standards.

Item 8 allows for a new piece of slot machine technology.

Items 9, 10 and 11 clarify slot machine or slot system rules.

Item 12 states that gambling revenue exceptions that can not be reconciled should be reported to the Commission immediately. All others are recorded in a log.

Items 13 and 14 address internal controls for table games and surveillance respectively.

Items 15, 16 and 17 clarify existing rules relating to key control, drop boxes and any modifications in the slot system respectively.

Items 18, 20, 21 and 22 clarify or allow changes in Administrative Rules with respect to procedures for count drop teams, which otherwise may have been addressed individually at the respective facilities.

Item 19 allows for alternative wear when conducting the drop.

Mr. Ohorilko advised that IRGC staff recommends approval of the rules as submitted under Notice of Intended Action.

Hearing no questions for Mr. Ohorilko on the rules, Chair Seyfer requested a motion. Commissioner Cutler moved to approve the rules as submitted for Notice of Intended Action. Commissioner Harrison seconded the motion, which carried unanimously. (See Order No. 10-34)

Mr. Ketterer introduced the following IRGC staff members from the Council Bluffs facilities: Gaming Representatives Lynette Masker and Bryan Crowdy from Ameristar; Jeff Rethmeier and Max Zaragosa from Harrah's, and Carol Fajen and Corey Ostermeyer from Horseshoe/Bluffs Run; Richard Woodsmall, a Racing Steward at Bluffs Run, and Licensing Assistants Gina Goos, Linda Baxter and Julie Peterson.

Chair Seyfer called on IWRA/Harvey Iowa Management, Inc. regarding the Third Amendment to the Amended and Restated Excursion Boat Sponsorship and Operations Agreement. Todd Graham, Executive Director of IWRA, and Bo Guidry, General

Manager of Harrah's were available for any questions. Mr. Graham stated that the Commission had requested an update on the negotiations between Harrah's and IWRA at this meeting. He advised that the parties have reached an agreement, allowing IWRA to continue its sponsorship of Harrah's license. Mr. Graham stated that both parties have signed the agreement, and are present to indicate their approval of the amendment. He advised that the negotiations had gone smoothly. He stated that IWRA appreciates Harrah's support of IWRA's efforts, and the fact that they are a good corporate citizen. Mr. Graham advised that since its inception, the IWRA has granted in excess of \$250 million to non-profit organizations throughout southwest Iowa. He called on Mr. Guidry for any comments.

Mr. Guidry advised that Harrah's has a great working relationship with IWRA, and is excited about their upcoming projects on the riverfront.

Mr. Ketterer asked Mr. Graham how many different Iowa counties IWRA distributes funds. Mr. Graham indicated IWRA has distributed funds in 17 Iowa counties and four in Nebraska, but their focus is Pottawattamie County and Council Bluffs.

Hearing no further comments or questions, Chair Seyfer requested a motion to approve the Third Amendment to Amended and Restated Excursion Boat Sponsorship and Operations Agreement. Commissioner Cutler so moved. Commissioner Hayes seconded the motion, which carried unanimously. (See Order No. 10-35)

Chair Seyfer moved to the contract approval portion of the agenda, and called on Wild Rose Clinton (WRC). Tim Bollmann, General Manager, presented the following contracts for Commission approval:

- A.D. Huesing Bottling Works/G. Baker Distributing ó Purchase of Pepsi Products from G. Baker Distributing, partnering w/ A. D. Huesing Bottling of Davenport
- Aristocrat Technologies ó Purchase of Slot Machine Conversions & Parts
- Ecolab ó Lease & Maintenance of Kitchen/Dining Ware Washing Equipment, plus Purchase of Required Cleaning Chemicals
- International Game Technology (IGT) ó Leases, Royalties, Purchase of Conversions & Parts
- King Food Service ó Purchase of Seafood Products
- Konami Gaming, Inc. ó Purchase of Slot Machine Conversions & Parts
- Kopp's Market, Inc. ó Purchase of Meat and Dairy Products
- Mediacom Iowa, LLC ó Mediacom Commercial Family Cable Video Service in Casino & Coaches Corner Sports Bar
- Mediacom Iowa, LLC ó Mediacom CATV Service (Expanded Basic)
- MetLife ó Employee Life Insurance, Long & Short Term Disability, and Dental Insurance Premiums
- Pitney Bowes ó Lease of Postage Meter System

- Wellmark Blue Cross Blue Shield of Iowa ó Employee Health Insurance Premiums
- WMS Gaming, Inc. ó Slot Machine Leases, Purchase of Conversions & Parts

Commissioner Hayes asked how WRC knows that MetLife provides the best product for employee life insurance, long and short term disability, and dental insurance. Mr. Bollmann advised that the insurance provider, Holmes Murphy, selected the best program from a number of companies.

Commissioner Urban stated that she thought Ecolab was an Iowa vendor. Mr. Bollmann advised that there are service products available in the Quad Cities area, but payments go to an out-of-state address.

Commissioner Harrison asked about the large increase in the amount to Konami. Mr. Bollmann stated WRC had increased the number of Konami games on the floor; they previously had 15, and now have 60.

Hearing no further comments or questions concerning the contracts, Chair Seyfer requested a motion. Commissioner Cutler moved to approve the contracts as submitted by WRC. Commissioner Hayes seconded the motion, which carried unanimously. (See Order No. 10-36)

Chair Seyfer called on Riverside Casino & Golf Resort (RCGR). Joe Massa, General Manager, presented the following contracts for Commission approval:

- Data Business Equipment, Inc. ó Kiosk Maintenance Agreement
- Konami Gaming, Inc. ó Lot A Bucks Purchase and License Agreement
- WMS ó Slot Game Conversions

Hearing no comments or questions concerning the contracts, Chair Seyfer requested a motion. Commissioner Harrison moved to approve the contracts as submitted by RCGR. Commissioner Urban seconded the motion, which carried unanimously. (See Order No. 10-37)

Chair Seyfer called on Diamond Jo Worth (DJW). Kim Pang, General Manager, presented a contract with Vital Support Systems for servers, software and support.

Hearing no comments or questions concerning the contract, Chair Seyfer requested a motion. Commissioner Harrison moved to approve the contract as submitted by DJW. Commissioner Urban seconded the motion, which carried unanimously. (See Order No. 10-38)

Chair Seyfer called on Ameristar. Jim Franke, General Manager, presented the following contracts for Commission approval:

- Tech Art ó 5 Year Installation and Maintenance Agreement for MAXTime card readers on Black Jack Tables
- Trace 3 ó IT System Support
- Western Money Systems ó Kiosk Purchases

Hearing no comments or questions concerning the contracts, Chair Seyfer requested a motion. Commissioner Cutler moved to approve the contracts as submitted by Ameristar. Commissioner Urban seconded the motion, which carried unanimously. (See Order No. 10-39)

Chair Seyfer called on Harrah's. Janae Sternberg, Director of Finance, presented the following contracts for Commission approval:

- American Hotel Registry ó Hotel Renovations
- Custom Countertop ó Hotel Renovations
- Interior Designs ó Hotel Renovations
- Kelly's Carpet ó Hotel Renovations
- Richardson Sales ó Hotel Renovations
- The JDR Group ó Promotional Items

Hearing no comments or questions concerning the contracts, Chair Seyfer requested a motion. Commissioner Cutler moved to approve the contracts as submitted by Harrah's. Commissioner Hayes seconded the motion, which carried unanimously. (See Order No. 10-40)

Chair Seyfer called on Lakeside Casino. Bob Thursby, General Manager, presented the following contracts for Commission approval:

- Reinhart Food Services ó Food & Supplies for Kitchen
- Sierra Health & Life Insurance Co., Inc. ó Health Insurance for Employees

Hearing no comments or questions concerning the contracts, Chair Seyfer requested a motion. Commissioner Urban moved to approve the contracts as submitted by Lakeside. Commissioner Hayes seconded the motion, which carried unanimously. (See Order No. 10-41)

Chair Seyfer called on Wild Rose Emmetsburg (WRE). Amy Williams, General Manager, presented the following contracts for Commission approval:

- Buhrow Construction ó Cement Work, Replacement of Floor
- Del's Garden Center ó Landscaping and Maintenance
- Lakes Print ó Printing and Advertising
- Triple Point/Alliance Technologies ó Computer Equipment and Maintenance

Hearing no comments or questions concerning the contracts, Chair Seyfer requested a motion. Commissioner Cutler moved to approve the contracts as submitted by WRE. Commissioner Harrison seconded the motion, which carried unanimously. (See Order No. 10-42)

Chair Seyfer called on Lady Luck Casino Marquette (LLCM). Todd Steffens, General Manager, presented the following contracts for Commission approval:

- Alliant Energy ó Local Utility ó Electrical Services
- Wellmark, Inc. ó Third Party Administrator for Employee Health Benefits
- International Game Technology ó Purchase of Slots and Parts, Participation Fees, Upgrades and Maintenance
- North American Video, Inc. ó Purchase and Maintenance of Digital Surveillance System

Hearing no comments or questions concerning the contracts, Chair Seyfer requested a motion. Commissioner Harrison moved to approve the contracts as submitted by LLCM. Commissioner Urban seconded the motion, which carried unanimously. (See Order No. 10-43)

Chair Seyfer called on Mystique Casino. Roger Hoeger, Assistant General Manager, presented the following contracts for Commission approval:

- Cottingham & Butler ó Property and Casualty Insurance Renewal
- Micro Edge ó Grant Software Maintenance Agreement

Hearing no comments or questions concerning the contracts, Chair Seyfer requested a motion. Commissioner Cutler moved to approve the contracts as submitted by Mystique. Commissioner Hayes seconded the motion, which carried unanimously. (See Order No. 10-44)

Chair Seyfer called on Prairie Meadows Racetrack & Casino (PMR&C). Ann Atkins, Vice President of Operations, and Derron Heldt, Director of Racing, were present to address the issues before the Commission:

- Horsemens Benevolent and Protective Association ó Have a signed contract for five years. Ms. Atkins advised that the racing season is about to start. She noted that PMR&C has been given one additional stakes race; they now have two Grade 3 stakes races and one Grade 2 stakes race.
- Quarter Horse Racing Association ó There is still one issue to work out on the agreement; negotiations are continuing.

Chair Seyfer called for any questions. Commissioner Hayes asked if the stables are getting full. Ms. Atkins turned the floor over to Mr. Heldt, who advised there are 650

horses on the back side; there is room for 1,350. He noted that two tracks will be wrapping up their meets on Saturday, and two more will be doing so shortly. Mr. Heldt stated there are 18 new trainers coming this season that were not here in 2009. He indicated that PMR&C is pleased with the response; horsemen are coming from Arizona, Texas and Florida. There are also five or six new jockeys competing at PMR&C for the first time. Mr. Heldt stated that he believes the barns will be close to capacity.

Commissioner Urban asked if the horses were mostly thoroughbreds. Mr. Heldt answered in the affirmative.

Hearing no further questions, Chair Seyfer called on the quarter horse representative to address the Commission. John Vernon, legal counsel for the Iowa Quarter Horse Racing Association (IQHRA), stated that Ms. Atkins was correct in that there is one issue remaining, which was discussed in a letter sent to Mr. Ketterer on April 1st and forwarded to the Commissioners. The issue still under negotiation pertains to Paragraph 21 of the draft agreement titled "Legislation." Mr. Vernon advised that the IQHRA Board voted unanimously to delete that paragraph; PMR&C has stated that the paragraph has to stay because the thoroughbreds did not take exception to it being included in their agreement. PMR&C further indicated that they did not want to enter into a three-year agreement with the IQHRA if they would seek the passage of legislation that would be detrimental to PMR&C. Mr. Vernon stated that historically this particular paragraph has not been included in the contract; it was included in the contract for 2008, but was removed in 2009 at the insistence of the IQHRA. He went on to state that IQHRA believes that just because the thoroughbreds have similar language in their contract; it doesn't mean the IQHRA should waive their rights to weigh in on certain legislative issues. Mr. Vernon stated that paragraph 21 states in part: "they will not directly or indirectly support any legislation." He stated that the word "directly" is very clear; indirectly would mean that individual members who do not sign the contract could have their First Amendment rights waived. The IQHRA does not want to litigate the question at the Court House. The agreement provides for automatic injunctive relief; and it would be too costly for the IQHRA to litigate. Mr. Vernon stated that the IQHRA feels the purpose of the language, if it is included, puts the IQHRA in the position of telling its members to do this, but as an association, they can not take a stance to support legislation. The IQHRA does not feel that follows the spirit or the intent of the agreement. Mr. Vernon went on to say that the language in paragraph 21 prohibits PMR&C and IQHRA from supporting certain legislation but it does not extend to opposing legislation; if legislation were introduced regarding the percentage of slot machine revenue to be used to support purses, the IQHRA could not support the legislation but PMR&C could oppose the legislation. The language could also restrict how IQHRA members deal with the American Quarter Horse Association. If the American Quarter Horse Association supported legislation that dealt with racing opportunities or days; the IQHRA could not support the legislation.

Mr. Vernon advised that the proposed contract is for three years. He indicated the IQHRA is ready to race in August as the Commission set purses at the November 2009 meeting. The next contract to be negotiated would be in the fall of 2012 for the racing

season of 2013 and beyond. Mr. Vernon pointed out that PMR&C usually makes its proposal to the thoroughbreds and quarter horses in October, and presents it to the Commission in November. He stated that because the next agreement would come before the Commission in the fall of 2012, no one in the IQHRA could technically support any administrative agency action or judicial action which dealt with the 2013 contract as it would be contrary to paragraph 21. Mr. Vernon advised that the last e-mail from the PMR&C representative was that there would be no further negotiations unless paragraph 21 is included.

As there were no questions for Mr. Vernon, Chair Seyfer moved to the hotel update. Ms. Atkins advised that Brian Wessels, Chief Financial Officer, would provide the update. Mr. Wessels advised that the project is moving forward; that on April 13th, the Polk County Board of Supervisors approved all of the agreements pertaining to the hotel. At this time, PMR&C is waiting on notification that Kinseth has received the necessary financing. Once that has been completed, a groundbreaking date can be established. Mr. Wessels stated that construction trailers are moving onto the property, and construction fence is being erected today. The crane will be arriving next week.

Commissioner Cutler asked how soon PMR&C expected to hear from Kinseth regarding the financing. Mr. Wessels indicated they hoped it would be soon. Commissioner Cutler asked if that meant within a week. Mr. Wessels answered in the affirmative as they would like to have the groundbreaking ceremony in May.

Commissioner Urban asked how the construction necessary to connect the hotel to the current facility would impact current operations and parking. Mr. Wessels indicated there would be some minor disruption at the beginning; however, once construction of the hotel commences, the front of The Meadows will be blocked off for a period of time.

Commissioner Harrison asked if the construction would impact parking. Mr. Wessels indicated there would be a short period of time where a portion of the parking lot will be shut down, but it will be reopened as soon as possible. Commissioner Harrison asked if there were plans to make parking available in other areas. Mr. Wessels advised that PMR&C is moving some parking lots around and increasing the frequency of the shuttles to the various lots.

Commissioner Urban asked if the parking ramp is still an additional phase of the construction project. Mr. Wessels answered in the affirmative. Commissioner Urban asked if there are any procedural plans for constructing the ramp. Mr. Wessels again answered in the affirmative, stating PMR&C plans to get the hotel completed and then start on the parking garage.

Hearing no further questions for Mr. Wessels, Chair Seyfer moved to the contracts before the Commission for approval. Mr. Wessels presented the following contracts for Commission approval:

- Image Solutions ó Promotional Items
- Imagine This ó Promotional Items
- Altoona Hotel Associates, LLC ó Hotel Development/Development & Construction Agreement

Commissioner Urban asked if the contract with Altoona Hotel Associates, LLC was Kinseth. Mr. Wessels answered in the affirmative.

Hearing no further comments or questions concerning the contracts, Chair Seyfer requested a motion. Commissioner Cutler moved to approve the contracts as submitted by PMR&C. Commissioner Urban seconded the motion, which carried unanimously. (See Order No. 10-45)

Mr. Ketterer advised that he had one more question for Ms. Atkins and Mr. Heldt. He advised that he met earlier in the week with representatives of the Iowa Harness Horsemen's Association (IHHA); and from negotiations with the thoroughbreds and quarter horses, it appears the metrics for those breeds have been agreed to by all parties. He stated the IHHA had some feedback that PMR&C has not responded to at this time; the IHHA also had some questions that were set forth in a letter with respect to the Request for Quote for the conversion of the track relating to the process and specifications. Mr. Ketterer requested an update on the status of the items at the June Commission meeting.

Chair Seyfer called on IWRA/Iowa Greyhound Association for a review of the financial audit of the escrow account for the year ending December 31, 2009. Jim Quilty, legal counsel for the Iowa Greyhound Association, was available to answer any questions.

Hearing no comments or questions concerning the audit, Chair Seyfer requested a motion. Commissioner Cutler moved to approve the IWRA/Iowa Greyhound Escrow Account financial audit as presented. Commissioner Urban seconded the motion, which carried unanimously. (See Order No. 10-46)

Chair Seyfer moved to the Approval of the Distribution of the Horse Racing Promotion Fund. Dr. Keith Soring, Director of Racing, advised that since the distribution of the meeting material, the IQHRA has withdrawn their application, leaving the Legacy Harness Horse Foundation as the sole applicant for the funds. There is \$3,337.80 available for FY 2010.

Hearing no comments or questions for Dr. Soring, Chair Seyfer requested a motion. Commissioner Hayes moved to approve distribution of the Horse Racing Promotion Fund in the amount of \$3,337.80 to the Legacy Harness Horse Foundation. Commissioner Cutler seconded the motion, which carried unanimously. (See Order No. 10-47)

Chair Seyfer moved to the hearing for RCGR for a violation of Iowa Code §99F.4(22), the self-exclusion policy. Mr. Ketterer advised that the matter has been resolved via a

Stipulated Agreement subject to the Commission's decision on a penalty, and involves a voluntarily excluded individual. He explained that on February 5, 2005, the individual was enrolled in the Lifetime Self-Exclusion Program at Rhythm City in Davenport. Approximately 20 months later, on October 13, 2006, the individual was added to RCGR's database by creating a Player's Club account and designating it as "state excluded". On December 21, 2007, the individual signed up for a Player's Club account at RCGR using a different last name. Two months later, the individual won a reportable jackpot of \$1,260. Over the next two years, the individual notified RCGR staff of another name change. No additional changes were noted. From the time the Player's Club account was opened in December 2007 through January 25, 2010, the individual received numerous promotional mailings, and the individual gambled frequently at RCGR. On January 26, 2010, RCGR staff was auditing paperwork and discovered that a 2008 jackpot was paid to a patron that had the same social security number of the self-excluded patron. On March 5, 2010, Riverside paid \$1,260 to the State of Iowa General Fund.

Mr. Ketterer advised that the one item that makes this situation different from others that have come before the Commission is that when the Commission adopted a resolution in August 2008 regarding procedures for voluntary self-exclusion process, the licensees were required to provide sufficient training and allocation of resources to support a process to check a person's name against the licensee's system when a guest won a jackpot. The resolution did not specifically state that the licensee should support a process to check a person's social security number. Mr. Ketterer stated that as a result of this incident, RCGR has instituted a procedure requiring cage staff to search the player tracking system for a matching social security number prior to paying a taxable jackpot.

Mr. Ketterer stated that, if this was not understood previously, the Commission should make it clear to the licensees that the expectation is there that the person's social security number is on paperwork enrolling them in the program and is disseminated to all of the facilities. When an individual comes to the cage to cash in a taxable jackpot, they are required to show their social security number; and it should be checked by the cage worker filling out the tax paperwork for the jackpot. He noted that while this incident seems to involve some deception, that would not always be the case. A name change can occur due to a change in an individual's marital status, or their address can change if they move; however, the social security number would always be the same. Now, if the evidence showed that when the individual either signed up for the program or presented information to the cage when they hit the jackpot and had manipulated or changed their social security number, that would be excusable, but if they have presented the same social security number, the Commission would expect that it would be checked. Mr. Ketterer reiterated that the resolution adopted by the Commission did not specifically address the issue of checking social security numbers. He advised that he wanted to bring that matter to their attention as they will have to determine if it excuses RCGR from the violation; or in the alternative, if there was a violation, then they need to determine the amount of the fine. Mr. Ketterer recommended an administrative penalty of \$3,000 if the Commission determines that a violation did occur. He also recommended that the

Commission amend the resolution to include social security numbers so that everyone is clear on the issue.

Chair Seyfer asked if the Commission could make that change at this meeting since no notice had been provided. Mr. Ketterer answered in the negative. Chair Seyfer stated that it should be added to the June meeting agenda.

Commissioner Hayes asked if the Commission knew what other facilities are doing in these instances. Mr. Ketterer advised that staff did not know that information.

Commissioner Cutler stated that she feels the circumstances excuse RCGR from the violation as the resolution was not as clear as it should have been. Chair Seyfer and Commissioner Hayes indicated their agreement. Commissioner Hayes stated that he would like to receive information regarding the cost to the licensee to comply and be able to capture the social security numbers, match them and any time limitations on staff.

Commissioner Cutler asked what action the Commission needed to take. Mr. Ketterer advised that the motion could indicate that due to the wording of the resolution, the Commission has determined that no violation occurred.

Commissioner Cutler moved that due to the wording of the resolution adopted by the Commission in August 2008, there is no violation on the part of RCGR. Commissioner Hayes seconded the motion, which carried unanimously. (See Order No. 10-48)

Chair Seyfer moved to Public Comment. As no one had signed up for Public Comment, he moved to Administrative Business. Mr. Ketterer advised there is none at this time. Chair Seyfer requested a motion to adjourn the meeting. Commissioner Cutler moved to adjourn the meeting. Commissioner Hayes seconded the motion, which carried unanimously.

MINUTES TAKEN BY:

JULIE D. HERRICK